

Board of Adjustment
August 14, 2018
Staff Report

Application Summary –

A request by Phebe LaMar (attorney), on behalf of OTA Properties, LLC (owners), seeking approval of a 6-space parking variance on property addressed as 705 and 709 Fay Street which is proposed to be redeveloped with a 3-story mixed-use retail and residential structure which is not permitted per Section 29-4.3(b), Table 29-4.3-1 of the Unified Development Code.

Overview

The applicant proposes the redevelopment of 705 and 709 Fay Street with a 3-story mixed-use and residential structure that requires as many as 37 parking spaces, and as few as 19 spaces, as described by the scenarios presented below and subject to the requirements of the Unified Development Code. 21 on-site parking spaces are proposed to be provided, as depicted on the site plan dated July 18, 2018. The necessity for a variance to permit a reduction in parking by as many as six stalls may be negated if the Board grants the “M-N Pedestrian” standard request for the subject property being concurrently considered by the Board under Case # 1962.

It should be noted that the redevelopment of the property is subject to City Council approval of a rezoning request from IG (Industrial) to M-N (Mixed Use- Neighborhood) and approval of a one-lot final replat and two related design adjustments. The “M-N Pedestrian” standard cannot be granted if the property is not approved for M-N zoning and the proposed site plan cannot be effectuated without the replat being approved. The rezoning and subdivision requests are anticipated to have a final approval by the City Council on August 20, 2018.

History and Site Characteristics

This application involves Lot 25 and the south sixty (60) feet of Lot 24 of Harbison’s Second Addition which are addressed 705 and 709 Fay Street. The parcels are proposed to be combined into a single lot to be known as “OTA Subdivision Plat 1”. Concurrently with the platting action the applicant sought to rezone the subject parcels from IG (Industrial) to M-N (Mixed-use Neighborhood) to accommodate the proposed mixed-use building and support the designation of the parcels as “M-N Pedestrian” which is the subject of BOA Case #1962. The Planning Commission recommended approval of both the subdivision plat and the rezoning request at its July 5, 2018 meeting.

The outcome of the “M-N Pedestrian” standard designation, a part of BOA Case #1962, will have a direct impact on this requested parking variance. If “M-N Pedestrian” standard is granted the need for the parking variance may be moot. If not granted and the parcels are rezoned by City Council to the M-N zoning district the 6-space variance would be necessary to permit the proposed 3-story mixed use building to be constructed.

As described in the staff report's analysis of the "M-N Pedestrian" standard for Case #1862, staff supports the application of the alternative standard to "Pedestrian" for the M-N zone given the context of the site, the benefits to the surrounding neighborhood, and when weighed against the criteria for alternative standards as presented by the Unified Development Code.

Relief Sought and Purpose

As described herein, should the City Council approve the M-N rezoning and should the Board approve the "M-N Pedestrian" standard, a variance to allow a parking reduction is not needed as the "Pedestrian" standard allows for a thirty percent (30%) reduction in the required parking which is in addition to the "shared" parking as well as bicycle parking reduction provisions allowed by the code. Should the Board not approve the designation of the "M-N Pedestrian" standard as part of Case #1962 and the M-N zoning is approved by the City Council, the 6-space variance sought to allow the provision of 21 on-site parking spaces verses the required 27 would be necessary.

Based upon review of the July 18, 2018 site plan, staff determined the following parking is required by the UDC:

Retail Use:	6,030 square feet
Required Parking (1 sp/300 square feet)	17 Spaces
Residential Use:	
12 1-bedroom units (1.5 space/1 bd unit)	18 spaces
Residential Overflow (1 space/5 units)	2 spaces
Bicycle Parking (allows for auto parking reduction)	4 spaces
Total Required Parking (17+18+2)	37 spaces
(Bicycle Parking Reduction)	-4 spaces
(Shared Parking Reduction Factor Table 4.3-2 of 1.2)	-6 spaces
Total Parking for M-N Zone (standard)	27 spaces
Pedestrian standard reduction (.3 reduction 27x.3=8)	27 spaces- 8 spaces (30%)
Total Parking for M-N (Pedestrian standard)	19 spaces

Parking Reduction Variance Analysis –

Summary and Impacts –

The applicant proposes to provide 21 parking spaces to support the mixed use nature of the building, and this amount is acceptable if the City Council supports the rezoning of the parcels to M-N and the Board supports the application of the "M-N Pedestrian" standard. Without the "Pedestrian" standard, the applicant loses the

benefit of the corresponding 30% reduction in parking and lessor front yard setbacks. These losses will likely result in a smaller building footprint, due to greater setback standards, which may reduce the need for required parking spaces.

The site plan is also subject to City Council approval of the “OTA Subdivision Plat 1” and associated design adjustments. Additionally, should the Board not approve the height variance requested under BOA Case # 1962, the applicant may choose to either remove the rooftop patio (eliminating the need for the elevator and stair tower) or reduce the height of the building. While eliminating the rooftop patio would not impact the required parking allotment, as this space was not intended to be improved to support continuous outdoor events such as a roof top bar or a restaurant seating area, a reduction in building floors would reduce the required parking.

As illustrated above, there are several simultaneous approvals (City Council and Board) which may impact the actual number of parking space needing to be provided to support the proposed redevelopment. Depending on the outcome of these simultaneous actions it is possible the applicant may need to revise the site plan and seek additional relief. However, at this time, the applicant is assuming that the M-N zoning and subdivision action would be approved by City Council and the height variance would be approved by the Board. The requested a 6-space reduction is based upon the assumption the “M-N Pedestrian” standard is not granted by the Board.

In evaluating the variance request, staff reviewed the information provided by the applicant, and the “General Criteria” for the approval of a variance as outlined by the Unified Development Code and described in detail below. As this is new development, it is challenging to see a design hardship which is not self-created or which may be alleviated by alternative design considerations such as reducing the footprint of the building to allow for additional parking stalls should the “M-N Pedestrian” standard not be granted. However, staff supports the “M-N Pedestrian” standard for this site, and does not believe that the variance is inconsistent with the Comprehensive Plan, injurious to neighboring or similar properties, and is unlikely to have negative impacts on the general public health or safety.

The Columbia Imagined Future Land Use Map (FLUM) classifies this area as City Center, which supports a mix of uses at a pedestrian scale. Urban infill redevelopment, mixed use, and multi-modal transportation options are also promoted by the Comprehensive Plan. This project has the potential to continue the investment and change in the neighborhood from lower-intensity industrial properties to mixed use, with an emphasis on pedestrian-oriented development near the City Center, the North Arts Village and Columbia College. This area is ripe for walkable/bikeable connections to surrounding neighborhoods and site layouts with buildings pulled forward to the sidewalk; allocating less space to surface parking provides support for enhanced pedestrian environments. The applicant is also proposing bonus bicycle parking on site, and there are four off-street parking spaces available along the Fay Street frontage.

Compliance with Variance Criteria -

Staff has reviewed the “General Criteria” for the approval of a variance as articulated in Section 29-6.4(d)(3)(i) of the UDC. In relation to these criteria, staff finds that:

1. The applicant proposes to raze the existing structure and build a new building, with a related new parking lot. As such the variance will not address practical difficulties or unnecessary hardships related to the applicant's site, or difficulties or hardships not generally applicable to property in the area, and will not address difficulties or hardships not created by the actions of the applicant.
2. Approval of the requested variance would not result in permitting the construction of a building not otherwise allowed in the M-N (Mixed Use- Neighborhood) district or modify a standard contained with the definition of any use.
3. Approval of the requested variance would not result in permitting development inconsistent with the Comprehensive Plan. The subject site is located within a "City Center" district and the proposed use is consistent with that designation.
4. The variance is not the least change from the requirements of the Code to relieve the difficulty or hardship encountered by the applicant should the parking reductions afforded by the "Pedestrian" standard not be granted. The development of a smaller footprint building or one with fewer dwelling units could permit redevelopment of the site consistent with the parking standards for mixed use structure and the goals or objectives of the City's Comprehensive Plan.
5. The variance is unlikely to harm the public health, safety, or welfare or be injurious to other property or improvements in the area where the property is located.

Recommendation Action –

1. **Disapproval of the requested variance to permit construction of the proposed building depicted on the site development plan dated July 18, 2018 with six fewer parking spaces than required by Section 29-4.3(b), Table 29-4.3-1 of the Unified Development Code.**